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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
9-GR-3348-FM
DEPUTY



CRIMINAL NO. EP-19-GR-3348-FM

SEALED

SUPERSEDING INDICTMENT

CT 1: 18 U.S.C. §§ 2 and 922(a)(6) - Aiding and Abetting False Statement During Purchase of a Firearm;

CT 2: 18 U.S.C. §§ 2 and 922(a)(6) - Aiding and Abetting False Statement During Purchase of a Firearm;

**CT 3: 18 U.S.C. § 922(g)(5), 924(a)(2)
– Alien in Possession of Firearm; and**

CT 4: 18 U.S.C. § 922(g)(5), 924(a)(2)
– Alien in Possession of Ammunition

Notice of Government's Demand for Forfeiture

COUNT ONE

On or about June 19, 2019, within the Western District of Texas, Defendants,

ISAAC RODRIGUEZ (2)

in connection with the acquisition of a firearm, to wit: DPMS Panther, Model A15, 5.56 caliber rifle, purchased from Federal Firearms Licensee #1 (FFL #1), a licensed firearms dealer within the meaning of Chapter 44, Title 18, United States Code, Defendant, [REDACTED]

█, did knowingly aid, abet and counsel Defendant, **ISAAC RODRIGUEZ (2)**, to knowingly

make a false and fictitious written statement intended and likely to deceive said dealer as to a fact material to the lawfulness of the acquisition and sale of said firearm to Defendant, **ISAAC RODRIGUEZ (2)**, in that Defendant, **ISAAC RODRIGUEZ (2)** stated and represented on a Bureau of Alcohol, Tobacco and Firearms Form 4473 the answer "yes" in response to the question, "Are you the actual transferee/buyer of the firearm(s) listed on this form?" when in fact Defendant, **ISAAC RODRIGUEZ (2)**, well knew he was in fact purchasing the firearm for Defendant, [REDACTED] and not for himself, in violation of Title 18, United States Code, Sections 2 and 922(a)(6).

COUNT TWO
(18 U.S.C. §§ 2 and 922(a)(6))

On or about July 3, 2019, within the Western District of Texas, Defendants,

[REDACTED] and
ISAAC RODRIGUEZ (2)

in connection with the acquisition of a firearm, to wit: Glock, Model 19X, 9mm pistol, purchased from Federal Firearms Licensee #1 (FFL #1), a licensed firearms dealer within the meaning of Chapter 44, Title 18, United States Code, Defendant, [REDACTED] did knowingly aid, abet and counsel Defendant, **ISAAC RODRIGUEZ (2)**, to knowingly make a false and fictitious written statement intended and likely to deceive said dealer as to a fact material to the lawfulness of the acquisition and sale of said firearm to Defendant, **ISAAC RODRIGUEZ (2)**, in that Defendant, **ISAAC RODRIGUEZ (2)** stated and represented on a Bureau of Alcohol, Tobacco and Firearms Form 4473 the answer "yes" in response to the question, "Are you the actual transferee/buyer of the firearm(s) listed on this form?" when in fact Defendant, **ISAAC RODRIGUEZ (2)**, well knew he was in fact purchasing the firearm for Defendant, [REDACTED]

██████████ and not for himself, in violation of Title 18, United States Code, Sections 2 and 922(a)(6).

COUNT THREE
(18 U.S.C. §§ 922(g)(5) & 924(a)(2))

That on or about July 7, 2019, in the Western District of Texas, Defendant,

██████████,

knowing he was an alien who had been admitted to the United States under a nonimmigrant visa, as that term is defined in section 101(a)(26) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(26), knowingly possessed a firearm – to wit: Glock, Model 19X, 9mm pistol; said firearm having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT FOUR
(18 U.S.C. §§ 922(g)(5) & 924(a)(2))

That on or about July 22, 2019 through July 24, 2019, in the Western District of Texas, Defendant,

██████████ ██████████ ██████████

knowing he was an alien who had been admitted to the United States under a nonimmigrant visa, as that term is defined in section 101(a)(26) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(26), knowingly possessed ammunition – to wit, approximately 6,000 rounds of assorted ammunition; said ammunition having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

NOTICE OF GOVERNMENT'S DEMAND FOR FORFEITURE

[See Fed. R. Crim. 32.2]

I.

Firearm Violations and Forfeiture Statutes

[Title 18 U.S.C. §§ 922(a)(6) & (g)(5) and 924(a)(2), subject to forfeiture pursuant to Title 18 U.S.C. § 924(d)(1), as made applicable to criminal forfeiture by 28 U.S.C. § 2461(c)]

As a result of the foregoing criminal violation set forth above, the United States of America gives notice to the Defendant [REDACTED] and ISAAC RODRIGUEZ (2) of its intent to seek the forfeiture of the properties described below upon conviction pursuant to FED. R. CRIM. P. 32.2 and Title 18 U.S.C. § 924(d)(1), as made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c). Section 924 states, in pertinent part, the following:

18 U.S.C. § 924.

(d)(1) Any firearm or ammunition involved in or used in any knowing violation of subsection . . . of section 922 . . . or knowing violation of section 924 . . . shall be subject to seizure and forfeiture . . . under the provisions of this chapter . . .

This Notice of Demand for Forfeiture includes but is not limited to the properties described below in Paragraph II and III.

II.

Personal Property

- 1. Approximately 6,000 rounds of assorted ammunition; and**
- 2. Any and all firearms, ammunition, and/or accessories involved in or used in the commission of the criminal offense.**

Money Judgment

Money Judgment: A sum of money that represents the value of the properties involved in the violations set forth in Counts One and Two of the Indictment for which Defendants [REDACTED] and ISAAC RODRIGUEZ (2), are individually liable.

Substitute Assets

If any of the property described above as being subject to forfeiture for the violations set forth above, as a result of any act or omission of the Defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States of America to seek forfeiture of any other property of the Defendants, up to the value of the money judgment, as substitute assets pursuant to Title 21 U.S.C. 853(p) and Fed. R. Crim. P. 32.2(e)(1).

A TRUE BILL
ORIGINAL SIGNATURE
REDACTED PURSUANT TO
GOVERNMENT ACT OF 2002
FOREPERSON OF THE GRAND JURY

JOHN F. BASH
UNITED STATES ATTORNEY

BY: 
Assistant United States Attorney